

Atty Dkt. No.: 10990641-1
USSN: 09/359,527

REMARKS

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 2-6, 8-14, 17, 49-52 and 56-57, the only claims pending and currently under examination in this application following entry of the above amendments.

It is noted that Claims 50 to 52 have been found allowable.

The Examiner is thanked for the interview held on February 5, 2004. In the interview, the Examiner acknowledged, in accordance with the reasons provided below, that Claim 8 is actually allowable and was erroneously rejected in the Office Action. In addition, the rejection over Southern in view of Webb was discussed, and the Examiner indicated that amending the claim to recite a solving of a problem not appreciated by the prior art may make the claims allowable over the cited art.

With respect to the information disclosure statement, it is noted that the Applicants did file all of the references cited on the previously submitted 1449. Enclosed please find a copy of the return receipt postcard. Enclosed please find another copy of the 1449 and the cited references. Accordingly, the Examiner is respectfully requested to consider these references. Since this is merely providing another copy of that which was previously submitted, it is believed that no fee is due.

Claim 6 has been cancelled solely in order to expedite allowance of the present application and without prejudice to renewal. Such cancellation should not be viewed as an acquiescence by the Applicants to the Examiner's position. No new matter has been added and entry of the above amendments is therefore respectfully requested.

Claim 10 has been amended to specify that the claimed method reduces any errors between the actual and target array patterns on arrays produced by the claimed methods. Support for this amendment can be found in the specification at page 3, lines 29-32. Accordingly, entry of this amendment is respectfully requested.

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Claim 6 has been rejected under 35 U.S.C. § 112, 2nd ¶. In view of the cancellation of Claim 6, this rejection may be withdrawn.

Claims 2-5, 8, 10-14, 17, 49, 56 and 57 have been rejected under 35 U.S.C. § 103 (a) over Southern in view of Weber, for the asserted reason that Southern teaches the general idea of employing inkjet fabrication of arrays, and Weber teaches the correction errors in printing.

Based on the indication of allowance of Claim 52, it is believed that Claim 8 should not have been included in the above rejection. As indicated above, the Examiner has agreed that Claim 8 is allowable.

Turning now to the remaining rejected claims, it is respectfully submitted that one of skill in the art would not be motivated to modify Southern with the teaching of Weber to arrive at the claimed invention because the present invention solves a problem not appreciated by either Southern or Weber.

Specifically, the present invention is directed to the problem in which positive features during an array assay nonetheless give rise to a weak signal that may be difficult to distinguish from background, particularly at the feature border. This problem can become exaggerated when the array pattern of a given array is different from the target array pattern according to which the array was fabricated due to errors arising during the manufacture process.

As such, it is desirable during the manufacture of an array to ensure that any discrepancy between an actual array pattern and the target array pattern according to which it was fabricated be kept at a minimum. Such is desirable so that, during use, one can know precisely where features of the array are located.

Southern provides no teaching or suggestion, and therefore has no appreciation, of the problems that may arise from discrepancies between an actual and target drive pattern. Therefore, one using Southern's teachings as a guide for

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producing arrays would not be motivated to go the extra step of correcting for errors so as to reduce discrepancies between the actual and target array pattern, because one would not appreciate that such discrepancies, if present, would have any effect on the usability of the array. Accordingly, one would not be motivated to combine the teachings of Southern with Weber to arrive at the invention of these claims because there would be no need to do so, as the specific problem that is solved by the invention was not appreciated by the prior art.

Accordingly, Claims 2-5, 8, 10-14, 17, 49, 56 and 57 are not obvious under 35 U.S.C. § 103 (a) over Southern in view of Weber and this rejection may be withdrawn.

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CONCLUSION

In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issuance.

If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided. The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,
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Date: 4.16.04

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